

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7166

MARK ANTHONY BARNES,

Petitioner - Appellant,

v.

HAROLD W. CLARKE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:14-cv-00420-LMB-TCB)

Submitted: January 29, 2015

Decided: March 9, 2015

Before NIEMEYER, SHEDD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Anthony Barnes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Anthony Barnes seeks to appeal the district court's order dismissing without prejudice his petition for a writ of habeas corpus. This order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(A) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). When a district court denies relief on the merits, a prisoner satisfies this standard by demonstrating "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). When a district court denies relief on procedural grounds, a prisoner must demonstrate that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. Id. at 484-85.

We have independently reviewed the record and conclude that Barnes has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal. We deny Barnes's "motion to excuse time bar" and dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and argument would not aid the decisional process.

DISMISSED